

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 456 HEALTH AND
WELFARE TRUST FUND and UFCW
LOCAL 1776 AND PARTICIPATING
EMPLOYERS HEALTH AND WELFARE
FUND, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

QUEST DIAGNOSTICS INCORPORATED
and NICHOLS INSTITUTE DIAGNOSTICS,

Defendants.

CIVIL ACTION NO. 10-CV 1692

AFFIDAVIT OF SETH R. GOLDMAN

I, Seth R. Goldman, being duly sworn, depose and state:

1. I am a Member in the New York office of the law firm Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., counsel of record to defendants Quest Diagnostics Incorporated and Nichols Institute Diagnostics.

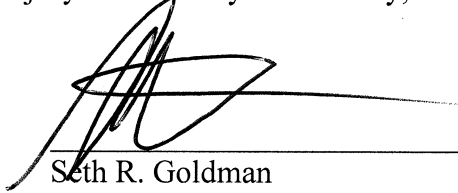
2. Attached hereto as Exhibit 1 are true and correct copies of the following documents:

- Nichols Institute Diagnostics Product Withdrawal dated March 25, 2005
- Nichols Institute Diagnostics Product Withdrawal dated April 22, 2005
- Nichols Institute Diagnostics Product Withdrawal dated April 29, 2005
- Nichols Institute Diagnostics Product Notification dated April 29, 2005

3. Attached hereto as Exhibit 2 are true and correct copies of the following documents:

- Nichols Institute Diagnostics Customer Bulletin No. CB-05-20 dated June 16, 2005
 - Excerpt from the Quest Diagnostics Inc. Form 10-K filed February 28, 2006
4. Attached hereto as Exhibit 3 are true and correct copies of the following documents:
- Excerpt from the United States Food and Drug Administration Enforcement Report dated March 2, 2005
 - Excerpt from the United States Food and Drug Administration Enforcement Report dated May 18, 2005
 - Excerpt from the United States Food and Drug Administration Enforcement Report dated August 3, 2005
5. Attached hereto as Exhibit 4 are true and correct copies of the following documents:
- Excerpt from the Quest Diagnostics Incorporated Form 10-Q filed October 26, 2004.
 - Excerpt from the Quest Diagnostics Incorporated Form 10-K filed March 10, 2005.
 - Excerpt from the Quest Diagnostics Incorporated Form 10-K filed February 28, 2006.
6. Attached hereto as Exhibit 5 are true and correct copies of the following documents:
- A news article entitled "Quest Diagnostics gets subpoenas over test," published by Reuters News on October 28, 2004.
 - A news article entitled "Garden State Briefs" published by the Newark Star-Ledger on October 29, 2004

Signed under the pains and penalties of perjury this 14th day of February, 2011



Seth R. Goldman

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